

VZCZCXRO2168

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RUEHSK RUEHSR RUEHVK RUEHYG
DE RUEHTA #2522/01 3570848
ZNR UUUUU ZZH
O 220848Z DEC 08
FM AMEMBASSY ASTANA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4175
INFO RUCNCIS/CIS COLLECTIVE 0951
RUCNCLS/SOUTH AND CENTRAL ASIA COLLECTIVE
RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHBJ/AMEMBASSY BEIJING 0353
RUEHKO/AMEMBASSY TOKYO 1059
RUCNDT/USMISSION USUN NEW YORK 2105
RUEHNO/USMISSION USNATO 2437
RUEAIIA/CIA WASHDC
RHEFAAA/DIA WASHDC
RHEHNSC/NSC WASHDC 0521
RUEKJCS/SECDEF WASHDC 0427
RUEKJCS/Joint STAFF WASHDC
RHMFIUU/CDR USCENTCOM MACDILL AFB FL
RUEHAST/USOFFICE ALMATY 1015

UNCLAS SECTION 01 OF 03 ASTANA 002522

SENSITIVE
SIPDIS

STATE FOR SCA/CEN, DRL, DRL/IRF

E.O. 12958: N/A

TAGS: PGOV PREL PHUM SOCI KDEM OSCE KZ

SUBJECT: KAZAKHSTAN: CIVIL SOCIETY LEADER ZHOVTIS: "I'D RATHER ASSIST THAN RESIST, BUT..."

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¶1. (U) Sensitive but unclassified. Not for public Internet.

¶2. (SBU) SUMMARY: During a December 18 meeting in Almaty with the Ambassador, Kazakhstan International Human Rights Bureau Director Yevgeniy Zhovtis offered his views on democracy, human rights, and the political situation in Kazakhstan. Zhovtis argued that Kazakhstan's ruling elite are motivated to hold on to political power to protect their wealth, which has neither been legalized nor legitimized in the public's eye. Until the elite feel their wealth is secure, they will impede democratization. Zhovtis was not optimistic about the impact of the new Bolashak generation, arguing that they are cynical and focused on their careers, and have a narrower perspective than earlier generations. He said the United States can help by consistently promoting American values and continuing to be involved in specific human rights cases. Zhovtis dismissed sanctions as a way to promote democracy in Kazakhstan.
END SUMMARY.

RULING ELITE FOCUSED ON WEALTH PRESERVATION

¶3. (SBU) The Ambassador asked Zhovtis how Kazakhstan's history has affected the country's development and the development of civil society. In response, Zhovtis said that Central Asia can not be described as part of Asia proper and would more accurately be called "Soviet Asia," since the Soviet Union destroyed Central Asia's traditional Asian way of life and introduced communism, a foreign ideology. During the Soviet period, Kazakhs held to two levels of morality: the public, communist ideology -- which no one actually believed in -- and private beliefs in Kazakh family traditions. The latter allowed Kazakhs to maintain a sense of right and wrong in their personal lives. After the collapse of the Soviet Union, the public communist ideology disappeared, but nothing took its place. The new post-communist, ruling elite are focused on money -- a focus that has destroyed the system of private Kazakh values and morals. The new ruling elite's view of the public is the same as in Soviet times: the public is to be controlled and managed, not allowed to think and act independently.

¶4. (SBU) The ruling elite, Zhovtis argued, maintain political power

to preserve their wealth. They are now struggling with how to legalize their wealth, as well as how to legitimize it in the eyes of the public. Zhovtis described a vicious circle at play: if the ruling elite cannot find a way to legalize and legitimize -- and thus protect -- their wealth, they will not build up legal and judicial institutions that could in turn threaten their wealth. The ruling elite will not allow a fundamental change of political power, since such a change could put their wealth and security at risk. Thus, he concluded, genuine democratization is not possible.

¶15. (SBU) Zhovtis said he did not agree with the argument, often put forward by the government, that developing democracy and civil society has to take a long time in Kazakhstan. Rather, he maintained, a country needs to make a fundamental choice upfront about which path it will follow. Then, step by step, the country should follow that path. Zhovtis noted that Kazakhstan's transition from a centrally planned economy to a market economy was completed in less than 15 years. Thus, he asked rhetorically, why has there not been more success in the areas of political, judicial, and democratic development? The answer is the nexus of ill-gotten wealth and political power. Pointing again to the fact that there was rapid development and acceptance of private enterprise, Zhovtis also disagreed with the notion that Kazakhstan's "national mentality" prevents a quicker transition to democracy.

PESSIMISM ABOUT THE FUTURE GENERATION

¶16. (SBU) The Ambassador asked Zhovtis about his hopes for the future generation, especially the Bolashak scholars who are sent to study abroad at government expense. Zhovtis was less than optimistic. He said that in his experience, he has found it easier to deal with the older Soviet generation working in the government than the Bolashak generation. The Bolashaks receive good higher education abroad, but they tend to have a less global perspective than the older generations, he maintained, because of the weakness of Kazakhstan's

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post-Soviet education. Zhovtis argued that putting the issue of ideology aside, the Soviet education system was better than Kazakhstan's current educational system. In Soviet times, the educational system offered a strong historical and global perspective, as well as good specialty training, and people were taught to think logically and analyze cause and effect. Today's young generation is not being taught the basics of logic and analytical thinking, he averred. The Bolashaks, Zhovtis maintained, tend to be stronger in concrete fields, like finance and business, than in more theoretical areas, like law. In general, Zhovtis said many Bolashaks are cynical and are more focused on having a career and making money than on learning. He suggested that perhaps it is wrong to expect to put the burden on the Bolashak generation to lead the country to a better future.

¶17. (SBU) Zhovtis stressed he was not trying to insinuate that everything is wrong in the country, but the Kazakhstani state remains based on the personality of President Nazarbayev, and there is an inherent lack of trust in the system, which is built on self-protection. The Ambassador asked if anyone in the government understands this problem. Zhovtis responded that Foreign Minister Tazhin, Presidential Administration Deputy Head Maulen Ashimbayev, and perhaps a few others understand, but said there is not much they can do.

RELIGION LAW: MEANS TO RESTRICT FREEDOM OF ASSOCIATION?

¶18. (SBU) Zhovtis told the Ambassador that the human rights situation in Kazakhstan is linked to three factors: legislation, institutions, and procedures and practices. Legislation, he contended, is getting worse each year. Each new law affords less protection and is open to broader interpretation. The government assumes that control is the best way to ensure security. Despite the government's claims to the contrary, the new religion law (which the President has not yet signed) has nothing to do with fighting extremism and offers no new tools with which to fight extremist elements, Zhovtis argued. Instead, he suspects the law could be a means for the government to restrict freedom of association in general.

UNITED STATES SHOULD PROMOTE AMERICAN VALUES

¶ 9. (SBU) The Ambassador asked Zhovtis how the United States could better promote human rights in Kazakhstan. Zhovtis suggested three approaches. First, the United States should clearly articulate and promote American values. This does not necessarily mean criticizing the Kazakhstani ruling elite, but it does mean not allowing them to twist American values. Second, the United States must ensure that international organizations such as the OSCE and the United Nations promote an international definition of human rights for member states and not allow states to "self-define" human rights. Third, the United States should continue to follow closely and get involved in specific cases related to human rights. He referred to several pending cases, including the criminal cases against opposition figures Bulat Abilov, Asylbek Kozhakhmetov, and Tolen Tokhtasynov; recent attempts by government authorities to try to tax grant money disbursed to NGOs by the National Endowment for Democracy; and the situation of the nearly 350 Kazakhstani refugees in the Czech Republic. [NOTE: According to Zhovtis, about 80 Kazakh families associated with unregistered mosques have sought refuge in the Czech Republic, where the courts are beginning to deny most of their requests for political asylum. END NOTE.]

SANCTIONS WOULD BE INEFFECTIVE

¶ 10. (SBU) Zhovtis argued that sanctions against Kazakhstan would be an ineffective lever to promote democracy. He again reiterated that democratization would put the power -- and thus the wealth and property -- of the ruling elite at risk. Thus, the ruling elite would rather defy sanctions than yield to them and allow progress on democracy. Although Russia does not exert day-to-day influence on the views of the Kazakhstani ruling elite, and elites are not particularly enamored of Putin's system, Zhovtis said, they nevertheless see Russia's growing authoritarianism as an example of how to preserve their own power and wealth. "They look in the

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Russian mirror and see themselves." It would be better for the United States to try to persuade the ruling elite that the current political system is unstable and will be even harder to fix in the future if no action is taken now, Zhovtis argued.

PREFER TO ASSIST THE ELITE, RATHER THAN RESIST THEM

¶ 11. (SBU) Zhovtis said it was difficult to predict which political trends will prevail in Kazakhstan. If the ruling elite can engage the public and try to build institutions, the result will be a more stable system. However, if Nazarbayev remains "the gatekeeper," it is very difficult to predict what will happen. The system is already less efficient and capable than previously. Failure to create democratic institutions threatens to undermine the economy and exacerbate the lack of true rule of law. In his parting remarks to the Ambassador, Zhovtis stressed that he personally would prefer to "assist than resist" the ruling elite in building democratic institutions in Kazakhstan but, in fact, spends 90% of his time "resisting."

¶ 12. (SBU) COMMENT: Zhovtis is an impressive and articulate analyst. We agree that building truly democratic institutions would threaten the unregulated fortunes that the elite built during the initial phases of privatization following the collapse of the Soviet Union. We are not, however, quite as pessimistic as Zhovtis about the Bolashak generation. Certainly, they will be tempered by the system as they work to rise in their careers, but we believe some will indeed eventually make a difference. END COMMENT.

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